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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

THERESA DAVIS, RASHAWD DUHART,
ROBIN LUNDY, and SEAN BERGLUND,
individually and on behalf of all similarly
situated individuals,

Plaintiffs,

v.

MULTNOMAH COUNTY, a political
subdivision of the state of Oregon; MICHAEL
REESE, STEVEN ALEXANDER, JEFFREY
WHEELER, KENDALL CLARK, JOSE
PALOMERA, AMY HAY, AARON VAN
HOUTE, BRIAN BEARDSLEY, and JOHN
DOES 1-50, acting in concert and in their
individual capacities,

Defendants.

No. 3:20-cv-2041-SB

PLAINTIFFS' PROPOSED CLASS
NOTICE PLAN

Plaintiffs propose the following plan for issuing notices of pendency of this class action to members of the class.

The certified class includes all adults who were detainees or inmates at Multnomah County Detention Center (MCDC) who were exposed to tear gas or other chemical agents between May 29, 2020, and July 29, 2020. ECF 60.

1. **Class Period:** In accordance with the definition of the certified class, the class period closed on July 29, 2020.
2. **Form of Notice:** A proposed “Notice of Pendency of Class Action” is attached as **Exhibit A**. All parties have approved this proposed form of notice.
3. **Notice Administrator:** Plaintiffs propose that Epiq Class Action & Claims Solutions, Inc. serve as the independent notice administrator in this action. Attached as **Exhibit B** to this filing is a resume for Epiq Class Action & Claims Solutions, Inc.
4. **Notice Dates:** Notice will be issued as soon as practicable, but not more than 45 days, after this Court enters an order approving the proposed class notice plan. Plaintiffs propose that the deadline for class members to opt out of the class should be 60 days after notice is issued.
5. **Methods of Notice:** Plaintiffs propose to send notice by U.S. mail directly to class members at their last known address or, if they remain incarcerated, to the institution in which they are incarcerated, if known. Plaintiffs also propose to create a digital media plan for the purpose of providing notice and other information relating to the action to class members with access to the Internet.

Direct Mail Notice: Defendant Multnomah County has maintained a list of individuals in MCDC custody during the class period who have last known addresses on file with the County

and has produced that list to class counsel. Plaintiffs propose to use this list for purposes of identifying class members and sending notice of pendency of the class action directly to those class members. Before sending the notices, the court-approved administrator will skip-trace each class member and update last known addresses as appropriate. For notices returned to sender, the administrator will make reasonable additional efforts to update addresses and resend notices.

In some circumstances, Multnomah County's records also indicate whether a class member was transferred from MCDC to an Oregon Department of Corrections (ODOC) institution. Where that information is available, the administrator will use the ODOC Offender Information System to identify whether the class member remains in ODOC custody and, if so, the location in which they are incarcerated. The administrator will then send class notice to the institution in which the class member is incarcerated.

Notices will be sent to class members in English.

Digital Media: Additionally, Plaintiffs propose to develop and implement a digital media campaign crafted to target class members for the purpose of providing notice of the pendency of the class action. The digital media campaign will be created and implemented by the proposed notice administrator, Epiq Class Action & Claims Solutions, Inc.

6. Additional Communication with Class Members: Plaintiffs further propose additional mechanisms through which class members can communicate with class counsel, learn about the status of the case, and opt out of the class if they choose to do so. Those mechanisms include (1) a dedicated website, and (2) a toll-free class action hotline.

The website and the toll-free hotline will be created and maintained by the court-approved administrator. The website will include the information shown on the class notice, answers to frequently asked questions, important case documents (including the operative

complaint, answer and affirmative defenses, and the Court’s order granting class certification), and contact information for class counsel. Class counsel and the administrator may add other important documents to the website to facilitate communication with class members. The toll-free hotline will include a recorded set of answers to frequently asked questions, with an option to dial directly to the offices of class counsel.

Mechanism for Opting Out of the Class: Class members may opt out of the class actions in one of two ways. First, they can send a letter to the notice administrator requesting that they be excluded from the class action. That letter must be mailed to the administrator and postmarked no later than 60 days after the date the notice is issued. Second, they can submit a form online, through the dedicated case website, requesting to be excluded from the class. The form must be submitted online within 60 days of the date the notice is issued. Instructions for opting out of the class action are clearly set forth in the proposed notice.

DATED this 17th day of April, 2023.

Respectfully submitted,

/s/ Nadia H. Dahab

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